

THIS IS A PROTEST OF THE DENIAL OF CLAIM

REFERENCE

BANKRUPTCY

CASE 08-1789(BRL)

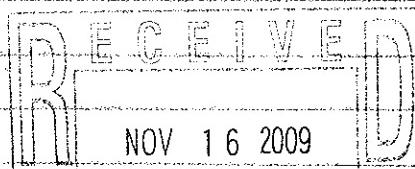
ROBERT F GAMMONS

38 MILL HILL RD

SOUTHPORT, CT 06890

203-292-6163

NOW KNOWN AS
BANKRUPTCY CASE # 1M89



NOV 16 2009

JUDGE OF BANKRUPTCY COURT
S. BANKRUPTCY COURT, SDNY

TO: BURTON R. LIFLAND, HON. JUDGE OF SOUTHERN NEW YORK

YOUR HONOR,

I WOULD FIRST LIKE TO APOLOGIZE FOR THIS DOCUMENT'S APPEARANCE. I AM IN MY 90TH YR. & MOSTLY BLIND. HENCE I CANNOT SEE TO READ OR SEE WHAT I WRITE. HOWEVER, I HAVE A BIG SCREEN THAT IS VERY HELPFUL, ALLOWING ME TO SEE ONE OR TWO WORDS AT A TIME. THIS MESSAGE IS USING THE BIG SCREEN NOW. TO YOU.

FIRST, I WOULD LIKE YOUR HON. TO STATE THAT I AM NOT LOOKING FOR A HEARING AT THIS TIME BECAUSE THE MAIN ISSUE WITH THE TRUSTEE'S DENIAL IS CENTERED AROUND THE BIG QUESTION OF, "WHAT IS "NET EQUITY" IN THIS CASE? IF THE TRUSTEE'S INTERPRETATION HOLDS, COME FEBRUARY'S COURT ORDER, MY APPROACH, IF ANY, WILL BE ENTIRELY DIFFERENT. HENCE, I WOULD HOPE THE COURT WILL ISSUE A "HOLD" OR "A STAY" SO THAT MY HEARING WOULD OR WILL BE IN THE CONTEXTS OF THE FINAL DEFINITION OF "NET EQUITY".

→ I WILL, HOWEVER, INDICATE WHY I AM PROTESTING THE TRUSTEE'S DENIAL AS IT MIGHT, I BELIEVE, TO THINK A BIT TO SEE A REASON TO ISSUE A "HOLD" OR A "STAY" TO KEEP MY PROTEST ALIVE UNTIL THE DEFINITION OF "NET EQUITY" IS AVAILABLE.

THE TRUSTEE DID SAY THAT MY CLAIM, ALTHOUGH "DEAD" WITH A DENIAL, WILL BE RESURRECTED IF THE FINAL DEFINITION OF "NET EQUITY" VARIES FROM HIS INTERPRETATION AS APPLIED TO MY CLAIM. IT IS POSSIBLE THAT MY CLAIM COULD BE LOST AMONG THE MOUNTAINS OF PAPERS & FILES THAT GROUP HAS TO DEAL WITH. I WOULD BE MUCH LESS NERVOUS IF THIS OLD MAN HAD AN ISSUE SOMETHING PERTINENT LIKE A COURT ORDER. TO YOU.

AS TO A PROPER FORMAT, THE TRUSTEE SAID "PROPER" FORMAT IS NECESSARY, BUT NEGLECTED TO DEFINE THE FORM OR WHERE I COULD FIND THE SPECIFICATIONS. BUT I AM ASSUMING A VERY BRIEF INDICATION OF THE ITEMS I OPPOSE, WITH A SIDE BY SIDE, VERY BRIEF REASON WHY I DISAGREE, WILL FIT THE BILL, DETAILS AVAILABLE IN CASE OF NEED. REASON

TRUSTEE PAYDAY FOR JAMES	CUSTOMER(VICTIM) RESPONSE
1. "NO SECURITIES EVER PURCHASED"	• AGREED; HOWEVER, NOT PERTINENT. NO ONE KNEW THIS IN WASH., OR AL-BANK, OR IN N.Y. CITY!! S.E.C. ??
2. "ALL PROFITS REPORTED TO ME WERE "FICTITIOUS."	• DISAGREE. "PROFITS" WERE NEVER REPORTED TO ME. ONLY "MKT VALUE OF SECURITIES LISTED" WERE REPORTED. NO PROFITS WERE CLAIMED, NOT PERTINENT
3. TOTAL OF \$348,000 WITHDRAWN	• DISAGREED. WITHDRAWALS WERE CLOSER TO \$300,000. HOWEVER, THIS IS NOT PERTINENT AT THIS TIME. TRUSTEE PROBABLY USED MADDOFF FILES RATHER THAN THE CUSTODIAN.
4. NO PROFITS WERE REPORTED TO YOUR ACCT. HENCE, NO POSITIVE "NET EQUITY" WAS FORMED BEYOND THE DEPOSITS MADE.	• DISAGREED OTHER THAN "PROFITS" CAN ENHANCE EQUITY, THINGS FOR EXAMPLES: GIFTS, CHARITABLE CONTRIBS, GOVT GRANTS, PURCHASE OF NEW STOCK ISSUES BY OUTSIDERS. MADDOFF'S ADD-ONS WERE GIFTS TO HIS FAMILY. HE HAD TO LOOK "FAIR & SQUARE" IT WAS REAL MONEY, PER THE CUSTODIAN AND ITS BANK, TRUST INDUSTRIAL WHO WIRED THE MONEY IN. THE REAL MONEY.
5. MADDOFF PAID WITH OTHER PEOPLE'S MONEY.	• AGREED; HOWEVER, BANKS PAY OUT MONEY FOR A NEW MORTGAGE. MONEY IS FONGIBLE, THE MONEY PD TO THE MORTGAGEE MAY HAVE COME IN THE DAY BEFORE ASIA SAVINGS ACCT CUSTOMER, NOT PERTINENT. THIS ITEM IS NOT PERTINENT.

NOTES FOR PREVIOUS ITEMS

* ITEM #1: "NO SECURITIES EVER PURCHASED (PER TRUSTEE). AGREED! BUT WHY BRING THIS UP? FOR 20 YRS OR SO. NOBODY BUT MADOFF KNEW THIS, OR SO THEY ALL SAY! 6 VISITS BY THE S.E.C. DID NOT REVEAL THIS FACT! WHY MAKE IT SOUND AS THOUGH I AM GUILTY OF SOMETHING IN NOT KNOWING THERE WERE NO STOCKS BOUGHT? WE ARE VICTIMS NOT "PERPS".

FURTHER, THE TRUSTEE GOES ON TO SAY THAT HIS DENIAL OF MY CLAIM DOES NOT ELIMINATE HIS RIGHTS AGAINST ME!! HE THEREBY FEELS MY CLAIM IS DEAD (EXCEPT FOR THE ISSUE OF "WHAT IS NET EQUITY"), BUT HE CAN RAISE MY CLAIM FROM THE DEAD AND ACCUSE ME OF SOMETHING NOT NOW REVEALED! VERY ONE-SIDED.

* ITEM #2 ("ALL PROFITS REPORTED TO ME WERE FICTITIOUS") HE DID NOT MEAN PROFITS FROM WHAT HE MAY MEAN PROFIT FROM MY DEPOSITS? BUT WHO KNOWS? IN ANY CASE, HIS PEOPLE APPARENTLY HAVE NOT STUDIED THE MADOFF REPORTS. NOWHERE DOES MADOFF USE THE WORD "PROFIT." HE MERELY STATES, "MKT. VALUE OF SECURITIES."

AS I SAY IN ITEM #2 PREVIOUSLY, MANY THINGS OTHER THAN PROFITS CAN ENHANCE "EQUITY." I STATE EXAMPLES ON PAGE 2, ITEM 2. MADOFF'S REPORTS VALUES STATEMENTS WERE * GIFTS TO FAMILY, & HE HAD TO DO THE SAME WITH US VICTIMS. GIFTS ENHANCE EQUITY EVERY TIME, ON ANY BAL. SHEET, AND THIS WAS REAL MONEY-NOT FICTITIOUS. "FICTITIOUS" MEANS NON-EXISTING. THIS MONEY I REC'D WAS REAL.

TOTAL WITHDRAWAL WAS \$348,000. DISAGREE. THE CORRECT AMOUNT IS ABOUT \$300,000. APPARENTLY THE TRUSTEE'S PEOPLE USED MADOFF FILES. I RECEIVED MONEY ONLY FROM THE CUSTODIAN/FIZER SERV. INC. BANK, TRUST INDUS. JRL, ETC. REQUIRED BY LAW. NEVER FROM MADOFF. MADOFF AND FIZER DID EXCHANGE ERRORS, AND SOME CORRECTING CHECKS MAY HAVE CROSSED BETWEEN THEM, BUT MY FINANCIAL PICTURE CAME FROM 60 FIZER REPORTS. OVER 16 YRS., OF WHICH THE TRUSTEE HAS MADE THE FULL YEAR REPORTS WITH ENDING'S BALANCES. — ANOTHER INDICATION IS THE TRUSTEE'S NUMBERS ON

CANT'D

THIS TABLE I, INCLUDED HEREIN, IS THAT EVERY WITHDRAWAL IS LABELED WITH THE WORD "CHECK" (WITH NO IDENTIFICATION AS TO PAYER NOR PAYEE), WHERE ACTUALLY NO CHECK EXISTS BECAUSE, FOR THE LAST 2 OR 3 YRS, THE MONEY WAS WIRED TO ME. HOWEVER IT IS NOT IMPORTANT TO WORK OUT THE DETAILS. WHEN THE MEANING OF "NET EQUITY" IS KNOWN, IT IS TIME ENOUGH. (NOTE: THE TRUSTEE HAS THE 16 YRS OF FIZER FINANCIALS IN HIS FILE ON ME. IN FACT, I BELIEVE HE HAS TWO COPIES OF THE CUSTOMER FILE COPIES (FIZER SERVICES, INC. IS FROM WHOM I RECEIVED ALL THE MADOFF MONEY, NOT FROM MADOFF.

- ITEM #4: "...NO PROFITS...NO ENHANCED "NET EQUITY") DISAGREED. I THINK IT WAS ALL SAID ON THE PRIOR PAGES WITH THE VERY BRIEF STATEMENTS OF DISAGREEMENTS. BY ANY BODY'S ACCOUNTING SYSTEM, MORE ASSETS, AS A SOLE CHANGE, MEANS MORE EQUITY. IN AMERICAN GAAP SYSTEM (GENERALLY ACCEPTED ACCOUNTING PRACTICE) REQUIRES ALL TRANSACTIONS TO GO THRU THE P/L STATEMENTS BEFORE REACHING THE BALANCE SHEET. → PROFIT FROM P/L TO RETAINED EARNINGS WHICH INCREASES EQUITY. GIFTS, CONTRIBUTIONS, GRANTS WOULD ALL FOLLOW THIS ROUTE. MADOFF'S "VALUE INCREASES WERE GIFTS". THE TRUSTEE WOULD HAVE US BELIEVE THAT OUR ACCOUNTS ARE NO BETTER AFTER RECEIVING MONEY THAN BEFORE. HE LIKES TO STATE THE MONEY WAS "FICTION", NEVER REALLY THERE. HOWEVER, THE CUSTOMER & IT'S BK ASSOCIATE CASHED MADOFF (READ 8%) AND SENT TO ME WHERE ALL BKS ACCEPTED THE MONEY AS REAL. HIS "PRECIOUS" WORD MEANS THE MONEY, EVERY BODY USED, WAS NEVER THERE! FOR ONE PART OF GOV'T THE MONEY WAS REAL & TAXABLE; FOR ANOTHER IT WAS NEVER THERE!?
- ITEM #5: "MADOFF PAID WITH OTHER PEOPLE'S MONEY" AGREED. HOWEVER, BKS DO THIS ALL THE TIME AS A MATTER OF COMMON BUSINESS. A CUSTOMER COMES IN TODAY WITH MONEY FOR A SAVINGS ACCOUNT, AND TOMORROW THE SAME \$/P GO OUT TO A MORTGAGEE TO BUY A HOUSE. OUR SOC. SEC. HAS DONE THIS SINCE LYNDON JOHNSON STARTED THE PRACTICE. SOC. SEC. WILL HAVE ITS BIG PROBLEM IN 2-3 YRS. - OUTPUT WILL EXCEED INPUT!
- WHY DOES THE TRUSTEE MAKE IT SOUND AS THOUGH WE VICTIMS HAVE CAUSED ALL THE PROBLEMS? MADOFF IS THE PROBLEM FIRST. BUT WASH., ALBANY, AND NY CITY WERE THE SECONDARY PROBLEM! WE PAID THEM TO AUDIT, WATCH, & INVESTIGATE. FOR EX, THE SEC SHOULD HIDE!

SUMMARY

THIS IS A SUMMARY OF THE "PROTEST" OF THE TRUSTEE'S DENIAL
OF MY CLAIM IN THE MATTER
OF BANKRUPTCY CASE #1789(BRL)-MADOFF

YOUR HONOR:

I REPEAT THAT I AM NOT SEEKING A HEARING AT THIS TIME
BECAUSE THE BASIC MATTER IS THE DEFINITION OF "NET EQUITY".
IF THE TRUSTEE ACCEPTS THE TRUSTEE'S INTERPRETATION, THERE WILL BE
NOTHING WE SMALL INVESTORS WITH IR.A.S. CAN DO. WE FOLLOWED THE
REGULATED WITHDRAWALS & FULL TAXATION OF THE WITHDRAWALS ONLY TO BE TOLD
THAT WE WITHDREW "FICTITIOUS" MONEY AND PAID TAXES ON "FICTITIOUS" MONEY.
HENCE, A "STAY" OR "HELD" KIND OF LETTER OR ORDER AT THIS TIME WOULD AT LEAST AS-
SURE THAT MY CLAIM WON'T GET LOST WHEN THE FEBRUARY DECISION HAS BEEN
REACHED IN FEBRUARY. THANK YOU FOR YOUR CONSIDERATION OF THIS POINT WE ARE ALL IN.

MY REASONING FOR REVERSING MY VIEWPOINT AT THIS TIME WAS SO THAT MORE TIME TO
THINK OF POINTS OF VIEW, WHICH CAN BE SUMMARIZED AS FOLLOWS: THE DEPOSITS TO
MY ACCOUNT FROM MADOFF WERE MADE WITH REAL MONEY WHICH DID INCREASE MY AC-
COUNTS. NET EQUITY MY WITHDRAWALS & TAXES PAID WERE BY THE LAW OF THE LAND AS TO
INDIVIDUAL RETIREMENT ACCOUNTS (IR.A.'S). HENCE, THE OUTSTANDING BALANCE IN MY AC-
COUNT OF \$97,000 SHOULD BE PAID TO ME, MAINLY BECAUSE SIPC WAS AND IS AN INSURANCE
UP TO \$500,000. I HELPED PAY FOR SIPC'S EXISTENCE AS WE ALL DID. TRYING TO PREVENT
AN INSURANCE PAY OUT IS PROBABLY ONE OF THE TRUSTEE'S DUTIES, AS IS SOME
OF THE PEOPLE IN PRIVATE INSURANCE COMPANIES.

RESPECTIVELY YOURS,

Robert F. Jimmons

ATTACHMENT: COPY OF TRUSTEE'S DENIAL LETTER WITH "TABLE 1" OF HIS
COPY OF MY FINANCIAL NUMBERS OBTAINED FROM FIRER SERIES REPORTS
116 YRS OF FIRER FINANCIAL END OF 4R. REPORTS ARE IN THE TRUSTEE'S FILE.

NOTICE FROM TRUSTEE^{et seq.} OF BLMIS LIQUIDATION

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

October 19, 2009

→ Robert F Gammons (IRA)
38 Mill Hill Road
Southport, Connecticut 06890

Dear Mr. Gammons (IRA):

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1ZR138 designated as Claim Number 8859.

Your claim for a credit balance of \$297,037.80 and any claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$348,660.93), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$161,042.24). As noted, no securities were ever purchased by BLMIS for your account.

¹ Section 78*lll*(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78*lll*(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

CONTINUE PAGE

all profits reported to you by BLMIS on account statements were fictitious.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$187,618.69) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is DENIED in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after October 19, 2009, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

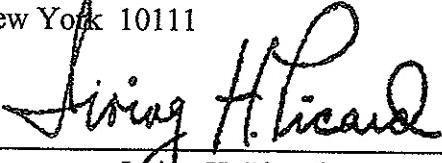
PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111



Irving H. Picard

Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

cc: NTC & Co., FBO Robert F Gammons
PO Box 173859
Denver, Colorado 80217

THESE NUMBERS CAME FROM THE TRUSTEE ABOUT 10/28/2009

Table I		
DEPOSITS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
12/30/1992	CHECK	\$118,852.17 ✓AGREE
12/18/1996	CHECK	\$7,024.46
12/23/1997	CHECK	\$10,165.61
1/5/2005	CHECK	\$25,000.00
Total Deposits:		\$161,042.24
WITHDRAWALS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
11/22/1993	CHECK	(\$3,000.00)
12/6/1995	CHECK	(\$6,000.00)
19/30/1996	CHECK	(\$7,000.00)
10/3/1996	CHECK	WHO WAS (\$7,000.00)
9/12/1997	CHECK	(\$8,500.00)
12/4/1997	CHECK	PAYER E (\$10,160.93)
10/6/1998	CHECK	(\$12,000.00)
4/21/1999	CHECK	PAYEE (\$10,000.00)
9/1/1999	CHECK	(\$20,000.00)
3/21/2000	CHECK	(\$15,000.00)
11/16/2000	CHECK	(\$15,000.00)
11/2/2001	CHECK	(\$20,000.00)
10/29/2002	CHECK	(\$30,000.00)
11/26/2003	CHECK	(\$5,000.00)
11/17/2004	CHECK	(\$25,000.00)
12/10/2004	CHECK	(\$25,000.00)
12/5/2005	CHECK	(\$30,000.00)
11/27/2006	WIRED CHECK	NO CHECKS (\$30,000.00)
11/27/2007	WIRED CHECK	HERE - WIRE (\$35,000.00)
11/20/2008	WIRED CHECK	TRANSFER. (\$35,000.00)
Total Withdrawals:		(\$348,660.93) ✓DISAGREE
Total deposits less withdrawals:		(\$187,618.69) ✓DISAGREE

NOTE BY R.F.GAMMONS - CLAIMANT: IT IS PROBABL THAT THE ABOVE
CAME FROM MADOFF FILES WHERE MY # NUMBERS COME FROM THE
CUSTODIAN, FIZER RETIREMENT SERVICES, NOT FROM MADOFF DIRECTLY.
I NEVER RECEIVED A CHECK DIRECTLY FROM MADOFF, BUT ONLY FROM
A CUSTODIAN AS REQUIRED BY LAW AS I INVESTED I.R.A. MONEY.

FOR EXAMPLE, THE ABOVE SHOWS A "CHECK", WHEN I REC'D
MONEY IN TWO OR THREE YEARS BY WIRE TRANSFER ??!!

EX-1 C-2

MADOFF
LIQUIDATION

Pg 10 of 10

PREPARED APRIL
2009

203-292-616^b
203-216-6685 (CELL)

SUMMATION OF FIZER SERVING (CUSTODIAN) YR. END BALANCES & WITHDRAWALS

YR. ENDING	WITHDRAWS	BALANCE AT YR. END	COMMENTS
1992	\$3	AT LEAST 118,862	P EXH "B"
93	5811 653	NC	118,862 ORIGINAL SEE INVESTMENT EXH-B
94	10 179	YR-END REPORTS	FOR THESE TWO YEARS, THE INDIVIDUALS CAME FROM TAX FILINGS - SEE EXH-D FOR '93 & '94.
95	ZERO → FOR 1992 TO 1995	191,025	→ 1995 WAS THE YR. AVELINO WAS CLOSED & ACCOUNT MAILED DIRECTLY TO MAD.
96	7,000	216,300	
97	8,500	242,700	FROM
98	12,000	255,337	1996
99	30,000	257,040	ON
2000	30,000	270,836	DOWN,
2001	20,000	276,195	ALL
2	30,000	297,723	FROM
3	5,000	297,723	
4	25,000	297,723	FIZER - EXH-D BY THE YR
5	30,000	297,723	REPORTS
6	30,000	310,135	
7	35,000	307,722	
2008	35,000	297,038	
		319,332	

SOURCE: COMPLET FILE OF CUSTODIAN FIZER SERVICES, INC.